

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

Amendments to the Drawings:

The **Appendix** contains three (3) sheets of replacement drawings that replace the originally filed two (2) sheets of informal drawings. Publication quality formal drawings have been concurrently sent separately by express mail.

The drawings have been amended as follows:

Figure 1 has been amended to add reference sign --110--;

Figure 2 of the drawings has been amended to add reference sign --12d--, so as to identify an associated panel of the airbag retainer 10; and

Figure 4 has been added as supported by originally filed claims **1, 9 and 24**, and by **Figures 2 and 3**, and by the specification on page 4 at lines 19-24.

Applicant respectfully submits that no new matter has been added by this amendment.

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

Remarks

Applicant respectfully requests consideration of the instant application in view of the above amendments and the following remarks.

Drawings

The **Appendix** contains three (3) sheets of replacement drawings that replace the originally filed two (2) sheets of informal drawings. Publication quality formal drawings have been concurrently sent separately by express mail.

The drawings stand objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they do not include reference sign "110" mentioned in the description on page 4 at line 26. The drawings have been amended as indicated hereinbelow to correct this deficiency.

The drawings stand objected to under 37 C.F.R. 1.83(a) because they do not shown the folded airbag in the housing as recited in claims 1, 9 and 24. **Figure 4** has been added to illustrate a folded airbag in the housing, as supported by the language of claims 1, 9 and 24 as filed. The following reference signs have been added as supported by originally filed claims 1, 9 and 24: housing 100'; folded inflatable restraint cushion 28 / folded airbag 28; inflatable restraint system 30; motor vehicle 32; gas generator 34; and instrument panel 36. Furthermore, **Figure 4** illustrates the adapter 14 overmolded about the plate 18.

The drawings stand objected to under 37 C.F.R. 1.83(a) because the Examiner contends that they do not show the apertures wider than the hooks. Applicant respectfully traverses this objection, and respectfully requests the Examiner's reconsideration of **Figure 2**, which clearly shows the apertures 20 to be wider than the hooks 22 that extend therethrough. Applicant respectfully requests reconsideration and withdrawal of this objection.

Figure 2 of the drawings has been amended to add reference sign --12d--, so as to identify an associated panel of the airbag retainer 10.

Applicant respectfully submits that no new matter has been added by this amendment.

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

Specification

The specification stands objected to as failing to provide proper antecedent basis for the subject matter of a housing having a folded airbag or cushion as recited in claims 1, 9 and 24. The specification has been amended to incorporate the language of claims 1, 9 and 24 respectively in the three paragraphs added after line 12 of page 5. Applicant respectfully requests reconsideration and withdrawal of this objection.

The specification has also been amended on page 2 at lines 19 and 20 to replace "two of which are visible in Figure 2 and numbered 12a and 12b" with --designated in Figure 2 as 12a, 12b, 12c and 12d--, so as both to improve clarity and to make reference to a fourth panel 12d which had been illustrated in Figure 2.

The specification has also been amended on page 4 at line 32 to replace "allows engineers to mold" with --provides for molding--, so as to improve clarity.

The phrases --What is claimed is:-- has been added after line 19 of page 5, so as to properly introduce the claims.

Applicant respectfully submits that no new matter has been introduced by these amendments.

Abstract

The Abstract has been amended to improve clarity and conciseness.

Claim Status

Claims 1-25 are pending in the application.

Claims 3, 19 and 22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and particularly because the language in claim 3 is considered to be reversed regarding the adapter being overmolded with the plate; the language in claim 19 is reversed regarding the second peripheral wall being adapted to attach at least partially inside walls of an airbag housing, and in claim 22 regarding the first peripheral wall defining a plane that slopes relative to the second peripheral wall.

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

Claims 1, 9, 14-16, 18-19 and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,250,669 to Ohmiya.

Claims 9-10, 14, 18 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,161,865 to Rose et al.

Claims 2-3 and 24-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohmiya in view of U.S. Patent No. 5,348,339 to Turner.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose et al. in view of Turner.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose et al. in view of Turner as applied to claim 5, and further in view of U.S. Patent No. 6,338,499 to Ueno et al.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose et al. in view of Ueno et al.

Claims 12-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose et al. in view of Ueno et al. as applied to claim 11, and further in view of Turner.

Claims 4, 6-7 and 17 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Amendments

The claims have been amended, as follows:

Claims 1, 5, 9 and 14 have each been amended at line 1, and claim 24 has been amended at line 2, to insert a comma (--,--) before "comprising", so as to provide for proper punctuation following the associated preambles.

Claims 1, 5 and 14 have also each been amended at line 4 to insert -- and-- at the end of the line, so as to correct a grammatical error.

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

Claim 1 has also been amended to incorporate the limitations of claim 4 at the end of the claim.

Claims 2-3, 6-8, 10-13, 15-16, 18-23, and 25 have been amended at line 1 of each claim to insert a comma (--,) before "wherein", so as to provide for proper punctuation following the associated preambles of each claim.

Claim 4 has been cancelled.

Claim 5 has been amended to insert -- and said molded plastic body includes an opening therethrough at least partially defined by at least one of said wall portions and said flange-- at the end of at line 7, as supported by Figures 2 and 3 of the drawings as filed.

Claim 6 has been rewritten in independent form, including all of the limitations of claim 5 upon which it had depended.

Claim 9 has also been amended at line 6 to insert -- and-- at the end of the line, so as to correct a grammatical error; and to insert --, wherein said adapter comprises an opening therethrough, wherein said opening is at least partially defined by at least one of said peripheral wall and said flange, and said inflatable restraint device is adapted to deploy through said opening-- at the end of line 9, as supported by Figures 2 and 3 of the drawings as filed.

Claim 11 has been amended to insert --, wherein said second and third side walls are each opposite to said first side wall-- at the end of at line 3, as supported by Figure 2 of the drawings as filed.

Claim 14 has been amended at lines 2-3 to replace "cross section area" with --opening--, so as to improve clarity. Claim 14 has also been amended at line 3 to replace "said first peripheral wall adapted to engage with mounting members" with -- wherein said opening extends through said adapter and said first peripheral wall is adapted to engage with at least one mounting member --, as supported by Figures 2 and 3 of the drawings as filed.

Claim 16 has been amended at line 2 to replace "cross section" with --opening--, so as to improve clarity.

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

Claim 17 has been rewritten in independent form, including all of the limitations of claim 16 upon which it had depended.

Claim 18 has been amended at line 2 to replace "space having a substantially rectangular cross section" with --substantially rectangular opening--, so as to improve clarity.

Claim 20 has been amended at line 2 to replace "substantially rectangular cross section" with --periphery--, so as to improve clarity.

Claim 22 has been amended to depend upon claim 14 instead of claim 15.

Claim 24 has been amended to add the following limitation at the end of line 5: -- and said plastic adapter incorporates an opening therethrough, wherein said opening is at least partially defined by at least one of said mounting flange and said sidewall--; and to add the following limitation at the end of line 7" --, wherein said folded airbag is adapted to deploy through said opening; and--, as supported by Figures 2 and 3 of the drawings as filed.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

Claims 3, 19 and 22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and particularly because the language in claim 3 is considered to be reversed regarding the adapter being overmolded with the plate; the language in claim 19 is reversed regarding the second peripheral wall being adapted to attach at least partially inside walls of an airbag housing, and in claim 22 regarding the first peripheral wall defining a plane that slopes relative to the second peripheral wall.

Claim 3 has been amended to state that the adapter is "overmolded about said plate".

Applicant respectfully submits that there is support for claim 19 on page 3 at lines 21-22.

Claim 22 has been amended to depend upon claim 14, thereby eliminating the apparent contradiction noted by the Examiner.

Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 3, 19 and 22 under 35 U.S.C. § 112, second paragraph, in view of the amendments and above argument.

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 9, 14-16, 18-19 and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,250,669 to Ohmiya.

Claims 9-10, 14, 18 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,161,865 to Rose et al.

Regarding claim 1, claim 1 has been amended to incorporate the limitations of claim 4, that latter of which the Examiner indicated would be allowable if rewritten in independent form. Accordingly, Applicant respectfully submits that claim 1 now is equivalent to claim 4 rewritten in independent form, and is therefore now allowable.

Regarding claims 9 and 14, Applicant respectfully submits that neither Ohmiya nor Rose et al. disclose or suggest all of the elements and limitations of claims 1 and 9, and therefore are not proper references under 35 U.S.C. § 102(b).

More particularly, neither Ohmiya nor Rose et al. disclose or suggest, *inter alia*, an adapter comprising an opening therethrough, wherein the opening is at least partially defined by at least one of the peripheral wall and the flange, and the inflatable restraint device is adapted to deploy through the opening (claim 9); or a first peripheral wall defining an at least partially enclosed opening through which an inflating airbag may be projected, wherein the opening extends through the adapter and the first peripheral wall is adapted to engage with at least one mounting member in a vehicle dashboard (claim 14). Instead, as best understood, elements 32 of Ohmiya, and 12 of Rose et al., each of which the Examiner has referred to as an "adapter" in accordance with the instant invention, are both closed therethrough, and not open therethrough as provided by claims 9 and 14 as presently amended. More particularly, in Ohmiya, the door insert 32 is closed along a plate portion 32A thereof, and in Rose et al., module cover 12 comprises a main panel 132 that closes the region between the skirts 134 that depend from the cover 12.

Accordingly, Applicant respectfully submits that neither Ohmiya nor Rose et al., alone or in combination, disclose or suggest an opening through an adapter, wherein the opening is at least partially defined by either a peripheral wall or a flange of the adapter, as provided by claims 9 and 14. Accordingly, because neither Ohmiya nor Rose et al. disclose or suggest all of the

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

limitations of claims 9 and 14, Applicant respectfully submits that claims 9 and 14 as amended are distinguished from Ohmiya and Rose et al., alone or in combination, and that the rejections under 35 U.S.C. § 102(b) of claims 9 and 14 are improper. Accordingly, Applicant respectfully requests reconsideration and allowance of claims 9 and 14 as amended, in view of the above argument.

Claims 10/9, 15/14, 16/15/14, 18/14, 19/18/14, 20/18/14, 21/18/14, 22/14 and 23/14 each depend upon one of claims 9 and 14. Accordingly, Applicant respectfully submits that if the above argument regarding the novelty of claims 9 and 14 in view of Ohmiya and Rose et al. is accepted, then claims 10, 15, 16 and 18-23 are also distinguished from Ohmiya and Rose et al. because the addition of further limitations to an already novel claim does not negate novelty. Applicant respectfully requests reconsideration and allowance of claims 10, 15, 16 and 18-23 in view of the above argument.

Furthermore, regarding claim 10, further to the argument hereinabove, Applicant respectfully submits that Rose et al. does not disclose or suggest, *inter alia*, an adapter defining a portion of a rectangle having a gap formed along one side thereof, wherein the gap facilitates flexing of the adapter. Instead, as best understood, in Rose et al., the "gaps" associated with the skirt wall 134 are located at the corners of the rectangle, and not along one side thereof. Accordingly, because Rose et al. neither discloses nor suggests all of the limitations of claim 10, Applicant respectfully submits that claim 10 is distinguished from Rose et al., and that the rejection thereof under 35 U.S.C. § 102(b) is improper. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 10 in view of the above argument.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 2-3 and 24-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohmiya in view of U.S. Patent No. 5,348,339 to Turner.

Claims 2/1 and 3/2/1 each depend upon claim 1. Claim 1 has been amended to incorporate the limitations of claim 4, that latter of which the Examiner indicated would be allowable if rewritten in independent form. Accordingly, Applicant respectfully submits that claim 1 now is equivalent to claim 4 rewritten in independent form, and is therefore now allowable. Accordingly, Applicant respectfully submits that claims 2 and 3, which depend upon

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

claim 1, are now allowable, because the addition of further limitations to a novel claim and non-obvious claim does not negate non-obviousness. Applicant respectfully requests reconsideration and allowance of claims 2 and 3 in view of the above argument.

Regarding claim 24, Applicant respectfully submits that neither Ohmiya nor Turner, alone or in combination, disclose or suggest all of the elements and limitations of claim 24, and therefore are not proper references under 35 U.S.C. § 103(a). More particularly, neither Ohmiya nor Turner, alone or in combination, disclose or suggest, *inter alia*, an adapter incorporating an opening therethrough, wherein the opening is at least partially defined by at least one of the mounting flange and the sidewall, and the folded airbag is adapted to deploy through the opening. Instead, as best understood, elements 32 of Ohmiya and 202 of Turner are both closed therethrough, and not open therethrough as provided for by claim 24 as presently amended. More particularly, in Ohmiya, the door insert 32 is closed along a plate portion 32A thereof; and in Turner, the cover 202 is also closed between the hinge portion 210 and flange 220.

Accordingly, Applicant respectfully submits that neither Ohmiya nor Turner, alone or in combination, disclose or suggest an opening through an adapter, wherein the opening is at least partially defined by either a peripheral wall or a flange of the adapter, as provided by claim 24. Accordingly, because neither Ohmiya nor Turner, alone or in combination, disclose or suggest all of the limitations of claim 24, Applicant respectfully submits that claim 24 as amended is distinguished from Ohmiya and Turner, alone or in combination, and that the rejections under 35 U.S.C. § 103(a) of claim 24 is improper. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 24 as amended, in view of the above argument.

Claim 25/24 depends upon claim 24. Accordingly, Applicant respectfully submits that if the above argument regarding the non-obviousness of claim 24 in view of Ohmiya and Turner is accepted, then claim 25 is also distinguished from Ohmiya and Turner, alone or in combination, because the addition of further limitations to an already non-obvious claim does not negate non-obviousness. Applicant respectfully requests reconsideration and allowance of claim 25 in view of the above argument.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose et al. in view of Turner. Applicant respectfully submits that neither Rose et al. nor Turner, alone or in

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

combination, disclose or suggest all of the elements and limitations of claim 5, and therefore are not proper references under 35 U.S.C. § 103(a). More particularly, neither Rose et al. nor Turner, alone or in combination, disclose or suggest, *inter alia*, an adapter incorporating an opening therethrough at least partially defined by at least one of the wall portions and the flange. Instead, as best understood, elements 12 of Rose et al. and 202 of Turner are both closed therethrough, and not open therethrough, as provided for by claim 5 as presently amended. More particularly, in Rose et al., module cover 12 comprises a main panel 132 that closes the region between the skirts 134 that depend from the cover 12; and in Turner, the cover 202 is also closed between the hinge portion 210 and flange 220..

Accordingly, Applicant respectfully submits that neither Rose et al. nor Turner, alone or in combination, disclose or suggest an opening through an adapter, wherein the opening is at least partially defined by either a wall or a flange of the adapter, as provided by claim 5. Accordingly, because neither Rose et al. nor Turner disclose or suggest all of the limitations of claim 5, Applicant respectfully submits that claim 5 as amended is distinguished from Rose et al. and Turner, alone or in combination, and that the rejections under 35 U.S.C. § 103(a) of claim 5 is improper. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 5 as amended, in view of the above argument.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose et al. in view of Turner as applied to claim 5, and further in view of U.S. Patent No. 6,338,499 to Ueno et al. Claims 12-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose et al. in view of Ueno et al. as applied to claim 11, and further in view of Turner. Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose et al. in view of Ueno et al.

Claims 8/5, 11/9, 12/11/9 and 13/12/11/9 each depend upon one of claims 5 and 9. Accordingly, Applicant respectfully submits that if the above argument regarding the novelty and non-obviousness of claim 5, and the novelty of claim 9, in view of Ohmiya, Rose et al. and Turner is accepted, then claims 8 and 11-13 are also distinguished from Rose et al., Ueno et al. and Turner, alone or in combination, because the addition of further limitations to an already novel and non-obvious claim does not negate non-obviousness. Applicant respectfully requests reconsideration and allowance of claims 8 and 11-13 in view of the above argument.

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

Furthermore, regarding claim 11, further to the argument hereinabove, Applicant respectfully submits that neither Rose et al. nor Ueno et al., alone or in combination, disclose or suggest second and third side walls opposite to a first side wall, each of the first, second and third side walls having a least one aperture. Accordingly, because Rose et al. and Ueno et al., alone or in combination, neither disclose nor suggest all of the limitations of claim 11, Applicant respectfully submits that claim 11 as amended is distinguished from Rose et al. and Ueno et al., and that the rejection thereof under 35 U.S.C. § 103(a) is improper. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 11 in view of the above argument.

Allowable Subject Matter

Claims 4, 6-7 and 17 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 has been amended to incorporate the limitations of claim 4/1, and claim 4 has been cancelled. Claims 6 and 17 have been rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant respectfully submits that claims 1, 6 and 17 are now in allowable form. Claim 7/6 now depends upon allowable claim 6, and accordingly is also now in allowable form.

Supplemental IDS

A supplemental IDS is being filed concurrently herewith, which includes a copy of the most recent claims and Office Action in co-pending Application Serial No. 10/403,662, a copy of a foreign patent document of record therein, a list of all references of record therein, and a reference to Patent Application Publication No. U.S. 2004/0188986 A1 which is a publication of Application Serial No. 10/403,662.

Extension of Time and Payment of Fees Under 37 CFR §§ 1.17(a)(3), 1.16(h) & 1.17(p):
Authorization to Charge Fee Deficiencies

Applicant hereby petitions for a Three-Month Extension of Time, pursuant to 37 C.F.R. §1.136, extending the deadline for response up to and including 9 September 2005, resulting in an associated fee of \$1020 under 37 C.F.R. § 1.17(a)(3).

Application No. 10/723,974
Amendment dated 9 September 2005
Reply to Office Action dated 9 March 2005

Attorney Docket No. 5703-00059

This amendment converts claims 6 and 17 from dependent to independent form resulting in an additional two (2) independent claims in excess of three, which at a cost of \$200 each under 37 C.F.R. § 1.16(h), results in associated excess independent claim fee of \$400.


The supplemental Information Disclosure Statement results in a fee of \$180 under 37 C.F.R. § 1.17(p).

A Credit Card Payment Form in the amount of \$1600 is enclosed herewith for payment of the fees under 37 C.F.R. §§ 1.17(a)(3), 1.16(h) & 1.17(p). The Commissioner is authorized to charge any deficiencies or credit any overpayments – that cannot otherwise be made to the credit card – to Deposit Account 04-1131.

Summary and Conclusions

The drawings have been amended add several reference signs and to add Figure 4 as supported by the claims 1, 9 and 24, and the language of claims 1, 9 and 24 has been incorporated into the specification. The specification has also been amended to improve clarity. The abstract has been amended to improve clarity and conciseness. All of the claims have been amended to provide for proper punctuation delineating the associated preambles. Claim 1 has been amended to incorporate the limitations of claim 4, and claims 6 and 17 have been rewritten in independent form. Claims 5, 9, 11 and 24 have been amended to further distinguish over the prior art. Claims 14, 16, 18 and 20 have been amended to improve clarity. Claim 3 has been amended to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 22 has been amended to change its dependency. Applicant respectfully submits that no new matter has been added by this amendment. Applicant respectfully submits that the instant application is now in the proper form for Notice of Allowance, and respectfully requests a timely issuance thereof in this application.

Respectfully Submitted,


Kurt L. VanVoorhies, Ph.D., P.E.
Registration No. 38,643
Phone: 248-364-2100
Facsimile: 248-364-2200

Raggio & Dinnin, P.C.
2701 Cambridge Court, Suite 410
Auburn Hills, MI 48326
5703-00059
9 September 2005